

**PRICE SIXPENCE.**

NEAR the PARRAMATTA ROAD

near the PARRAMATTA ROAD

[illegible]



## LAW.

## SUPREME COURT.—WEDNESDAY.

**Before Mr. Justice DENISON and a jury of four.**  
**BURTON v. MANNING AND ANOTHER.**  
 This case, which was an action for a quarter's rent—£12, was commenced on Monday afternoon, and lasted during the whole of Tuesday and yesterday, terminating at half-past three yesterday.

Messrs. Darvall and Lutwyche appeared for the plaintiff, and the Solicitor-General and Messrs. Broadbent and Riley appeared for the defendants.

The defendants in this case were Messrs. Manning and Morris, who were sued as the joint lessees of two houses at Balmain, said to be held by them under a lease for three years at \$500 per annum, with a covenant for the payment of the said rent in quarterly instalments of \$125 each, and that the quarter's rent should remain overdue. The plaintiff, Mr. Blake, was the lessor, and sued for the first quarter's rent, but the question really at issue was whether there had or had not been any lease, properly so called.

The evidence was peculiarly voluminous, and the statements on either side were directly conflicting in each other. The plaintiff spoke in positive terms, not merely to the effect of the alleged negotiations between himself, the defendants, and other persons mixed up with this transaction, but even in most instances to the very words which had been used. His version of the story was as follows:—

The defendants having projected the re-establishment of the Hydrophobic Institution of Dr. Gunst, had taken the premises alluded to for this purpose. The agreement was made on the 10th of August, 1854, and the subject, and the plaintiff subsequently received from Dr. Gunst a lease signed by these defendants. The defendants had asked him to become a subscriber to this project for the re-establishment of Dr. Gunst's Institution, and he had agreed to take shares to the value of \$10 each. He had given a written memorandum of his willingness to take upon himself this amount of responsibility, but had never consented to do so, and it was only by a written agreement, and a plan of view. There was some discussion as to whether this lease should not be signed by Mr. Mort, but plaintiff had refused to permit Mr. Mort to sign it, because the latter gentleman was not really a party to it, so far as the re-establishment of the Institution was concerned, and that the whole project was abandoned, and the liability of the defendants under this lease dispensed. Subsequent negotiations for the purpose of compromise, and there had been proposals for compromise on the plaintiff's behalf, but no arrangement of any kind could be effected.

The version given on the other side was this:—The defendants, Mr. Mort and two other gentlemen who took an interest in the hydrophobic institution, which had failed, originally entered into a lease with the plaintiff, but in order to give it what might be termed a fair trial, the whole project was abandoned, and the liability of the defendants under this lease dispensed. Subsequent negotiations for the purpose of compromise, and there had been proposals for compromise on the plaintiff's behalf, but no arrangement of any kind could be effected.

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The jury, after having retired for two or three minutes, found a verdict for the defendants.

**Before Mr. Justice TERRY and a jury of four.**  
**MORTIMER v. BRATTON.**

This was an action by a landlord against a tenant, for breach of a covenant, to keep in repair the demised premises. There was some dispute as to whether the defendant had wrongfully taken certain chattels belonging to the plaintiff. The defendant had paid into Court a sum of £20, as sufficient to satisfy all claims of the plaintiff, and the issue was, whether or not this sum was really due.

Mr. Blake appeared for the plaintiff, and Mr. Wise for the defendant.

There was conflicting evidence as to the state of repair of the premises, and as to the amount of repairs made by the tenant. The plaintiff claimed £60 as a balance of account. There had been a good deal of work of various kinds done by the plaintiff for the defendant, under the supervision of Mr. Mortimer, who was the plaintiff's agent in this respect.

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**Billy Drutt** took him into custody, and the jury being clearly identified by Ryan, he was given up to him by Mr. Hardy, a magistrate residing at Yass, and the prisoner was committed to take his trial for house-stealing. **Henry Hyndes** (a boy of about twelve years of age) proved that the prisoner came to his father's home on a Saturday, but the mare he was riding into the stockyard, and he put the mare with his own brand, saying that if he put his father's brand on her, they would say she was his own; prisoner remained at Hyndes' until the following Tuesday, and then went away; the mare he was riding was the same claimed by William Ryan at the Court-house in this case.

This was the case for the Crown.

His Honor summed up, and the jury returned a verdict of guilty, accompanied with a strong recommendation to mercy, on account of his extreme youth.

Sentence to be imprisoned in Goulburn Gaol for the term of three years, and to be kept to hard labour.

**John Henry** was indicted for feloniously stealing, at Burrow, on the 5th of April last, one mare, of the goods and chattels of **Myrie Murphy**.

The prisoner pleaded not guilty, and was understood.

His Honor, having briefly stated the facts of the case, called **Constable Mallyon** who deposed that on the 23rd of June last he arrested the prisoner in Yass, on a charge of house-stealing; the horse was charged with stealing was then used.

His Honor summed up—verdict guilty.

Sentence—six months hard labour on the roads.

**Robert Shaw** Montgomerie, late of Berri, was indicted for the manslaughter of **Richard Turner**, at Berri, on the 22nd of January last.

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Seasonable Drapery Goods.

**CHATTS** and **HUGHES** have received instructions to sell by auction, at their Sale Room, 545, George-street, on TUESDAY, the 15th instant, at 11 o'clock.

Various lots of fashionable Goods, comprising

- 400 pairs small patterns
- 7-8 price
- Muslin dresses
- Frial dresses
- Rayonere dresses
- Fold dresses
- Silk chemise
- Raincoats
- Oreganides
- Rayonere robes
- Ockermore shawls
- Large shawls
- Silk percales
- Silk percales
- Cambric handkerchiefs
- Ladies' under clothing
- Silk neck ties
- 20 and 30 inch Crocydon shirting;
- 30 and 7 1/2 inch grey sailories
- 35, 35, and 40 inch damask
- 7 1/2, 35, and 106 inch heavy sheetings
- Durries
- Chaises, assorted
- Table damasks
- Boys' suits
- Dress coats
- High cosine handkerchiefs
- Fancy douelines
- Breechlets
- White shirts, draped and boxed
- Fancy ragnies
- Children's hoods
- Children's hogners hats
- Pain hats
- Paris silk hats
- Belles
- Trimmings, &c.,

Together with a varied assortment of fashionable goods.

Terms at sale.

To Buyers.

1150 Prince of Wales.

**M. R. LONG** is favoured with instructions

[illegible]

**PORT and CO.** are instructed by the proprietor (who is leaving the colony for England) to sell by public auction, at the Rooms, First-street, on **FRIDAY, 21st September, at 11 o'clock,** The magnificent harnessing saddle **DELANE**, made on the plan of the famous English one, together with the whole of the harness in connection therewith—known as the **DELANE** harness.

Derrington  
Horn  
Saddles  
Trunks  
Travellers  
Furniture  
Wholesale and  
Retail.

And also the sheep and stock constituting the **SHIRE.**

1050 ewes, ewe (Himalayas)  
1000 wethers, 4 to 5 years (ditto)  
1800 ewes to lamb  
1650 ditto, 1 to 2 years  
6500 lambs, mixed, 14 to 2 years  
2000 wethers ditto  
90 rams

15,000 sheep, more or less.

All of which are warranted in perfect health, and it is worthy of remark that **NATHAN BARNES** or **SCAG** WASH **NATHAN** knows of **FEATHER CATCHES**.

The sheep are selected from their heavy flocks, which are now ready for the shears, and the quality of which may be inferred from the fact that they will realize in tail and carcass the most for last season's crop. Everything is in prime order for the marketing.

**CATTLE.**

600 HEAD, more or less. A mixed herd, which must be taken

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growing population. But the numbers of stations capable of supplying the demand for fuel oil are in competition with brewers' malting and distilleries, and the supply of fuel oil is becoming so scarce that they see no about out of them from the western and central States, and are entirely dependent upon this and its side materials for fuel oil.

**Baron Horner.**

**FOR SALE** by public auction, at CAMDEN, N. J., on September 29, 1866.

Town, by ASHES, the following property, Armandus Amato, by Friedman, Problem by Theorem. Town is United States.

**Kaffir**, by ASHES, out of Kaffir, by Baron Horner, foaled last August 1865. Kaffir was the True Strake at Homestead in 1861.

At the Convention of the American Association of Horsemen, 1865, the Convention of the American Association of Horsemen, 1865.

**FIRST GREAT SALE of the Mannings River Country's Lands, at Cundestown, of**

**OXFORD, N. J., on December 1865.**

**Town allotments** ..... Book 1, Nos. 1 to 10  
**Book 2, Nos. 1 to 10**  
**Book 3, Nos. 1 to 10**  
**Book 4, Nos. 1 to 10**  
**Book 5, Nos. 1 to 10**  
**Book 6, Nos. 1 to 10**  
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**Book 8, Nos. 1 to 10**  
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**Book 185, Nos. 1 to 10**  
**Book 186, Nos. 1 to**

[illegible]

**THIS DAY, Thursday, the 13th instant, at noon, at the residence of the above-named defendant, 17, Clyde-street, Miller's Point, Sydney, the Sheriff will cause to be sold by public auction, the following quantity of household furniture, unless this execution be previously satisfied:**



